



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/509,979 | 03/18/2005 | Raphael Quinet | P16489-US1 | 2906 |
| 27045 | 7590 | 06/18/2007 | EXAMINER | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | SEYE, ABDOU K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2194 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 06/18/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,979

Applicant(s)

QUINET ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08).
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/20/2006, 01/06/2006,10/01/2004.

DETAILED ACTION

Response to Amendment

1. The amendment filed on June 06, 2007 has been received and entered. The amendment amended Claims 2, 17-18 and 24. The currently pending claims considered below are Claims 1-24.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 4-13, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Greer et al. (US 5987466)**.

Claims 1, 17 and 19: Greer discloses a product and method, in a communications network, of controlling an object transfer from a first component via an intermediate component to a second component which is remote from the first component, wherein the object transfer is based on a plurality of object requests relating to objects referred to in one or more codes to be processed by the second or another component of the communications network, the intermediate component performing the steps of:

Art Unit: 2194

- a. Sending an object request to the first component (fig. 2, col. 5, lines 12-18);
- b. Receiving the requested object from the first component (fig. 2, col. 5, lines 12-18);
- c. Assessing or updating a priority of the requested object, wherein an initial priority has been assigned to the requested object on the basis of an analysis of at least one of the object request and the code that refers to the requested object (col. 3, lines 18-25; col. 4, lines 1-30); and
- d. In dependence of the priority of the requested object, delaying the requested object or forwarding the requested object to the second component (col. 3, lines 40-51; fig. 2).

Claim 2: Greer further discloses that the delaying is performed such that the order in which the objects are received from the first component differs from the order in which the objects are forwarded to the second component (col. 4, lines 43-46 ;objects are displayed based on the order received).

Claim 3: Greer further discloses that the object request is received from the second component or generated by the intermediate component (fig. 2, col. 5 lines 12-18).

Claim 4: Greer further discloses that delaying of the requested object includes at least one of instructing the second component to repeat the object request, suspending a connection to the second component via which the requested object is to be

forwarded, and informing the second component that the requested object will automatically be forwarded at a later point in time (col. 3, lines 40-50).

Claim 6: Greer further discloses requested objects are forwarded via a plurality of connections to the second component (fig. 2, col. 5, lines 12-18).

Claim 7: Greer discloses a method as in claim 6 above and further discloses that the selected ones of the connections to the second component are suspended dependent upon the priorities of the requested objects that were received from the first component and that are to be forwarded via the selected ones of the connections (col. 3, lines 60-67, col. 4, lines 55-60).

Claim 8: Greer discloses a method as in claim 6 above and further discloses to each connection a specific share of processing capabilities is dynamically allocated (fig. 2, col. 5, lines 12-18).

Claim 9: Greer discloses a method as in claim 1 above and further discloses the step of:

- a. Sending a code request to the first or a third component (fig. 2, col. 5, lines 12-18; col. 3 lines 25-67);
- b. Receiving the requested code from the first or the third component (fig. 2, col. 5, lines 12-18; col. 3 lines 25-67);

Art Unit: 2194

c. Analyzing the received code with respect to references to objects (fig. 2, col. 5, lines 12-18; col.3 lines 25-50);

d. Assessing the references to objects with the purpose of assigning initial priorities to the objects referred to in the received code (abstract; fig. 2, col. 5, lines 12-18, col. 3 lines 25-67).

Claim 10: Greer further discloses that upon receipt of a response containing the object requested from the first component, the response is evaluated with respect to the received object's priority in order to determine whether or not the initial priority of the received object has to be updated (col. 4, lines 14-38).

Claim 11: Greer further discloses generating a priority list that contains priority information for individual objects or classes of objects (col. 4, lines 1-67; fig. 4/96-106-110; havelist).

Claim 12: Greer further discloses repeatedly assessing the priority list with respect to at least one of updating priority information, deleting objects or classes of objects and corresponding information, from the priority list (col. 4, lines 1-67; col. 4 lines 51-67).

Claim 13: Greer further discloses that the steps are performed by a proxy component situated on the first component, on the second component or configured as a separate hardware component of the communications network (fig. 2/30 col. 12-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 14-16, 18 and 20-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Greer et al. (US 5987466) in view of Krishnan et al (6343085).

Claims 5, 14, 18, 20 and 22: Greer discloses an object request received from a second component or generated by intermediate component 9fig. 3, col. 5, lines 12-18) and further disclose holding off user requests and delaying their display because of user defined priorities (col. 3, lines 60-67), but he does not explicitly disclose the step of instructing the second component to repeat the object request including: Assigning a specific attribute to the object to be delayed; Informing the second component of the attribute; Receiving a reference to the attribute from the second component; and Upon receipt of the reference to the attribute, sending the delayed object to the second component or further delaying the delayed object. However, in the same field of endeavor Krishnan discloses Assigning a specific attribute to the object to be delayed (col. 6 lines 45-67; matabase data attribute); Informing the second component of the

attribute (fig. 3, col. 6, lines 45-67); Receiving a reference to the attribute from the second component (fig. 3, col. 6, lines 45-67; pointers); and Upon receipt of the reference to the attribute, sending the delayed object to the second component or further delaying the delayed object (fig. 3, fig. 7, fig. 8 col. 8, 9 and 10, lines 1-67). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Greer's invention with Krishna invention in order to limit bandwidth consumption by calling objects by their reference in a distributed system. One would have been motivated to call object by reference within a distributed network system in order to minimize congestion and promote efficiency on a server that receives many simultaneous client requests.

Claim 15: Greer further discloses that the object is sent to the second component in accordance with a pushing scheme or in response to an object request received from the second component (fig. 2, col. 5, lines 12-18, col. 3, lines 25-50).

Claim 16: Krishnan further discloses that the second component is informed about the attribute in context with an instruction to repeat the object request and wherein the reference to the attribute is received from the second component in context with a repeated object request (col. 9 lines 48-50; read request blocked/delayed and repeated at later time).

It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Greer's invention with Krishna invention to include a repeat function that

Art Unit: 2194

would resend a user request after a delay caused by congestion of calls in order to reduce connection failure within a distributed network system. One would have been motivated to delay a user request call and use a callback method in order to limit resource consumption. Therefore to increase the overall system throughput.

Claim 21: Greer further discloses an intermediate component configured as a proxy server (fig. 2/30; proxy agent).

Claim 23: Greer further discloses a first link between the intermediate component and the first component and a second link between the intermediate component and the second component, wherein the first link and the second link have different transfer rates (fig. 2).

Claim 24. Greer further discloses that a second component in the form of a mobile terminal. The claimed element "infrared or the like " of Greer' s reference meets the claimed limitation of the claim (col. 5, lines 30-38).

Response to Arguments

6. Applicant's arguments filed April 16, 2007 have been fully considered but they are not persuasive.

a. In response to applicant's arguments, the recitation " intermediate component " has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2194


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600

AKS
June 06, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER